

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- x
YURMAN STUDIO, INC. and YURMAN
DESIGN, INC.,

Plaintiffs/Counter-Defendants,

- against -

ELENA CASTANEDA and EJEWELER LLC
d/b/a OVERSTOCKJEWELER.COM,

Defendants/Counter-Plaintiffs.
----- x

:
:
: Civil Action No. 07-1241 (SAS)(HP)
: (Action No. 1)
:
:
:

----- x
----- x
CARTIER, a division of RICHEMONT NORTH
AMERICA, INC., CARTIER INTERNATIONAL,
N.V., CARTIER CREATION STUDIO, S.A., VAN
CLEEF & ARPELS S.A., VAN CLEEF &
ARPELS, INC., VAN CLEEF & ARPELS
DISTRIBUTION, INC., GUCCI AMERICA, INC.,
and BULGARI S.p.A.,

Plaintiffs,

- against -

ELENA CASTANEDA and EJEWELER LLC
d/b/a OVERSTOCKJEWELER.COM,

Defendants.
----- x

:
:
: Civil Action No. 07-7862 (SAS)(HP)
: (Action No. 2)
:
:
:

**DECLARATION OF DAVID YURMAN IN SUPPORT OF
YURMAN STUDIO, INC.'S AND YURMAN DESIGN, INC.'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

EXHIBIT I

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

FORM VA

For a Work of the Visual Arts

VA 1-282-478



EFFECTIVE DATE OF REGISTRATION

NOV 06 2003

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

Title of This Work ▼

CROSSOVER COLLECTION 2003

NATURE OF THIS WORK ▼ See Instructions

JEWELRY DESIGN

Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼

Number ▼

Issue Date ▼

On Pages ▼

NAME OF AUTHOR ▼

a DAVID YURMAN

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

Author's Nationality or Domicile Name of Country

OR Citizen of U.S.A. Domiciled in

DATES OF BIRTH AND DEATH Year Born ▼ Year Died ▼

1942

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See Instructions

☒ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☒ Jewelry design

☐ Architectural work

Name of Author ▼

Dates of Birth and Death Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☐ No

Author's Nationality or Domicile Name of Country

OR Citizen of Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

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☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2-Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

3

Year in Which Creation of This Work Was Completed 2003

This information must be given in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month JUNE Day 25 Year 2003

U.S.A.

Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

YURMAN STUDIOS INC.
24 VESTRY STREET
NEW YORK NY 10013

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

*BY ASSIGNMENT

APPLICATION RECEIVED

NOV - 6 2003

ONE DEPOSIT RECEIVED

NOV - 6 2003

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

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MORE ON BACK ►

- Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
- See detailed instructions.
- Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of 2 pages

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

4

See instructions before completing this space.

*Amended by C.O. via FAX rec'd by Louis Ederer dated
11/12/2004 filed in UB.

EXAMINED BY Vg

FORM VA

CHECKED BY

☒ CORRESPONDENCE
Yes

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ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼

a. ☐ This is the first published edition of a work previously registered in unpublished form.

b. ☐ This is the first application submitted by this author as copyright claimant.

c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

See instructions
before completing
this space.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

SUSAN SPAGNA, ESQ.
YURMAN STUDIOS INC.
24 VESTRY STREET: NEW YORK, NY 10013

Area code and daytime telephone number (212) 896-1550

Fax number (212) 223-0196

Email soloesq@aol.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one ▶

☐ author

☐ other copyright claimant

☐ owner of exclusive right(s)

☒ authorized agent of YURMAN STUDIOS INC.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

SUSAN SPAGNA

Date 28 Oct 2003

Handwritten signature (X) ▼

X

Susan Spagna

Certificate
will be
mailed in
window
envelope
to this
address:

Name ▼

Susan Spagna, Esq.

Number/Street/Apt ▼

24 Vestry

City/State/ZIP ▼

New York, NY 10013

• Complete all necessary spaces
• Sign your application in space 8

1. Application form
2. Nonrefundable filing fee in check or money
order payable to Register of Copyrights
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*17 U.S.C. § 508(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

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Turquoise Jewelry

David Yurman Inspired Crossover Cable CZ Earrings



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DESCRIPTION:

These earrings are imitation of David Yurman's famous Silver Ice Crossover design. Set in white gold plating and featuring 2-tone crossed hoops. One hoop is paved set with diamond CZ and accented with gold vermeil and crossed with carved cable hoop. The original piece retails for hundreds of dollars and now you can get the same designer's look for fraction of the cost.

Measures: hoop diameter measures 1.5"
Weight: 16 grams
Material: Gold Plated Alloy CZ
Category: Earrings Hoops David Yurman Gold Plated CZ Cable

All measurements are approximate. Designer mentioned does not make this item. Please read our [disclaimer](#).

CUSTOMER REVIEWS:

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David Yurman Inspired
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Inspired By David Yurman

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